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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,959	03/15/2004	Athanasios Athanasiou	ZTP01P14038	2351

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EXAMINER

BUTLER, DOUGLAS C .

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,959

Applicant(s)

ATHANASIOU, ATHANASIOS

Examiner

Douglas C. Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 and 12-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A: Fig. 3;

Species B: Fig. 4;

Species C: Figs. 5A, 5B;

Species D: Fig. 5  C;

Species E: Fig. 5D.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Comments Intended To Advance Prosecution

(A) Consider the attached translations for the submitted documents JP 58-137633, JP 63-096337, JP 59-009335, FR 2456631 and the submitted Julien article which are provided to applicant's representative courtesy of STIC within the USPTO.

(B) Note Gannaway (3215343) at claim 8 which teaches vibration reduction in the compressor art (analogous art relative to the refrigerator art) by using different frequency spring/mass selection: Claim 8 of Gannaway claims:

"the natural frequency of said spring-like member being substantially different than the natural frequency of vibration of said shell, said arms being urged said shell to dampen high frequency vibration..."

(C) Consider JP 2000-2296 to Ito which states in the Abstract thereof that Figs. 1-8 include a "dynamic vibration damping system 110 as a vibration prevention means is connected to a refrigerator 120 to compose a refrigeration device 100 as an example of a respective operation device. The dynamic vibration damping system 110 is prepared by connecting an auxiliary mass 101 to the refrigerator main body 120 through a spring

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102 and a damper 103. When vibration is generated by operating the refrigerator 120, the auxiliary mass 101 connected thereto through the spring 102 and the damper 103 oscillates positively to damp vibration of the refrigerator 120. Vibration of the refrigeration device 100 is thus prevented.”

(D) Consider JP 2-266240 to Kashiwamura et al.

(E) Consider the oscillating reduction device of JP 2001-107857 to Matsushita which is for a refrigerator.

(F) Note Ito (JP 2001-248682) with vibration, auxiliary mass dampener.

(G) Omura et al (3355676) discloses an oscillating device for reducing refrigerator/compressor vibration with a spring or mass arrangement. See Figs. 4-5 thereof.

(H) Note Burns (US 2254837) for compressor vibration reduction for a refrigerator. See Figs. 1-2. See similarly, Fig. 3 of Malosh et al (US 5,070,708) along with Figs. 6A-8B thereof.

(I) Note the Abstract of Hanaoka et al (JP 2002-31364 A) with an effective date of Jan. 31, 2002 which is useable as a reference in that the current effective date of the instant application is Sept. 10, 2002 unless a translation of the German application DE 10145145 is filed. MPEP 201.15.


(J) Elson (189) and Park (US 6422833) disclose vibration reduction for compressors.

(K) Fig. 1 of the instant drawings showing a well-known principle should be labeled “Prior Art”.

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4. Note that the examiner is today requesting a translation of the Ito document from STIC within the USPTO and intends to attach translations with the next office action, if available. Should applicant obtain translations independently of the USPTO, a copy of it should be forwarded to the examiner for inclusion in the file.
5. It is unclear why "vibration" has been deleted from the claims.
6. Any inquiry concerning this communication should be directed to Exmr. Butler at telephone number 703-308-2575.

Butler/vs
March 21, 2005


DOUGLAS C. BUTLER
PRIMARY EXAMINER
3/22/05
AV3683